

After such finding, it shall be lawful to occupy the building.

(Code 1968, § 1848; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-310. Enforcement officers.

For the purpose of the enforcement of this article, any assistant fire marshal, city arson investigator or inspector of the fire prevention division of the fire department shall be deemed to be a deputy of the fire marshal and any of the powers and duties given the fire marshal by this article may be exercised by any such deputy on behalf of the fire marshal.

(Code 1968, § 18-49; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-311. Alternative remedies.

Any building in which one or more of the fire hazard conditions enumerated in section 10-298 above exists is hereby declared a public nuisance and a fire hazard. The fire marshal is hereby expressly authorized and directed to take or initiate appropriate action for the abatement thereof pursuant to this article or any other applicable provisions of this Code, including without limitation, article IX of this chapter and the city's Fire Code. Notwithstanding, the availability of any other remedies and sanctions the fire marshal is authorized and directed to proceed with immediate abatement action pursuant to this article whenever he finds upon inspection thereof that the continued occupancy of any building constitutes a substantial hazard to human life from potential conflagration of the building.

(Code 1968, § 18-50; Ord. No. 73-2079, § 1, 11-21-73)

Secs. 10-312—10-315. Reserved.

ARTICLE IX. COMPREHENSIVE URBAN REHABILITATION AND BUILDING MINIMUM STANDARDS*

DIVISION 1. GENERALLY

Sec. 10-316. Title.

This article is, and may be cited as, the "Houston Comprehensive Urban Rehabilitation and Building Minimum Standards Code."
(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-317. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means approved by the building official for the purposes of this article. Approvals under this article shall be issued in the same manner as provided in the Building Code.

Balcony means a landing or porch projecting from the wall of a building that serves as a required exit.

Basement means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a first story if the floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point.

***Editor's note**—Ord. No. 93-1570, § 1, adopted Dec. 8, 1993, repealed former art. IX, §§ 10-326—10-347, which pertained to dangerous buildings, and enacted a new art. IX to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

Section 4 of said Ord. No. 93-1570 read as follows:

"The provisions of Section 1 of this Ordinance, wherein the Building and Standards Commission of the City of Houston is reorganized, shall not be construed to remove any regular or alternate member of such commission heretofore appointed by the Mayor and confirmed by the City Council; instead, such members of the commission as it existed on the date of passage of this Ordinance shall have their membership transfer according to their odd or even numbered position to any of the other four commission panels as created in Section 1 of this Ordinance."

Bathroom means an enclosed space containing one or more bathtubs, showers, or both, that may also contain toilets, lavatories, or fixtures serving similar purposes.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Certificate of compliance means a document issued by the building official after inspections have been performed verifying compliance with all applicable provisions of the Construction Code or other laws.

City employee means any employee of the department, the city fire department, police department, health department, or any other city department if the employee has the ability to evaluate the condition of buildings or structures subject to this article, or to perform a function specified herein, as applicable.

Commission means the building and standards commission, or, as applicable, any panel thereof.

Congregate residence means any building or portion thereof that contains facilities for living, sleeping and sanitation, and may also contain facilities for eating and cooking, intended or used for habitation by other than a family. A congregate residence may include a dormitory, or fraternity or sorority house, but, for purposes of overcrowding only, does not include a jail, hospital, nursing home, hotel, shelter, convent, monastery, seminary, orphanage or foster home.

Court means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Dangerous building means a substandard, damaged or deteriorated building or improvement that has one or more of the defects or conditions listed in section 10-361 of this Code.

Department means the police department or its successor.

Director means the director of the department or any other person who is specifically

designated in writing by the director to perform any function under this chapter on behalf of the director of the department.

Dwelling means any building or portion thereof that contains not more than two dwelling units.

Dwelling unit means the same as provided for the term in the Building Code.

Family means an individual or two or more persons related by blood, marriage, adoption, or legal guardianship or a group of not more six than persons (excluding servants) who need not be related by blood, marriage, or adoption living together.

Floor space means the area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts. The floor space of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Garage means a building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired, or kept.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, or any other putrescent waste.

Good operating condition means free of leaks, safe, sanitary, and operating in substantially the manner intended.

Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Guest room means a room intended or used for sleeping or other living purposes but not as the permanent residence of the occupant.

Habitable floor space means floor space in a structure for living, sleeping, eating or cooking.

Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable floor space.

Habitation means the occupation of a building for sleeping or other living purposes.

Hearing official means an employee of the department designated by the director for purposes of carrying out the functions described for the hearing official in this article.

Imminent danger to health and safety means a condition violating the terms of this article which the director has determined (i) currently constitutes a hazard to the health of the occupant of a building or any other person, and (ii) requires immediate action to abate or cure such condition. Without limitation, specific examples of imminent danger to health and safety are (A) a building, or any portion of a building, which is reasonably expected to collapse at any time, and (B) conditions which could reasonably be expected to lead directly to the transmission of serious disease.

Kitchen means a space used for cooking or preparation of food.

Life Safety Appendix means Appendix L of the Building Code.

Occupancy means the purpose for which a building, or part thereof, is used or intended to be used.

Occupant means a resident of a building or any person having lawful possession of a building or any portion thereof.

Operator means a property manager or any other person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner means a person claiming, or in whom is vested, or in possession of the ownership, dominion, or title of real property, including, but not limited to:

- (1) The holder of fee simple title;
- (2) The holder of a life estate;
- (3) The holder of a leasehold estate, unless the context differentiates between owner and tenant or resident,

in which case "owner" shall include lessees with a lease term of five or more years;

- (4) The owner's attorney-in-fact;
- (5) The buyer in a contract for deed;
- (6) A mortgagee, receiver, executor, or trustee in control of real property.

Permit means a current and valid official city document or certificate authorizing the construction, remodeling, use or performance of a specified activity, function or occupancy.

Plumbing means and includes all of the following supplied facilities, equipment and devices: gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, installed dishwashers, garbage disposal units, installed clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, wastewater pipes, sewer pipes and sewage systems, septic tanks, drains, vents, traps and any other fuel-burning or water-using fixtures and appliances together with all connections to water, wastewater, sewer or gas pipes.

Premises or property means a lot, plot, or parcel of land, including any structures on the land.

Refuse means garbage, rubbish or anything discarded or rejected as useless or worthless.

Required means required by some provision of this article or by any other applicable law or ordinance.

Resident means any person residing in a building or any portion thereof.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials, except garbage; rubbish shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, construction debris, wood excelsior, rubble, rubber, leather, tree branches, yard trimmings, cans, metals, mineral matter, glass, plastic, crockery, tires and containers.

Sanitary means any condition of good order and cleanliness that precludes the probability of disease transmission.

Secure means to maintain a vacant building in accordance with the specifications that have been placed on file in the office of the city secretary for the purposes of this article. To the extent that an order of the hearing official, the commission or district court establishes or adopts other criteria for the securing of a vacant building, then the building will not be considered to be secured unless it also meets those criteria.

Stairway means any stairs or steps having two or more risers serving any building or portion thereof.

Story means that portion of a building included between the upper surface of any floor and the upper surface of any floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Substandard, in connection with a structure, means being in violation of the terms of division 3 of this article.

Vacant dangerous building means any structure that was intended for supporting or sheltering any use or occupancy and that is not presently occupied or in other daily use by the owner, the owner's lessees or other legal invitees and that has been determined to be a dangerous building under this article or by other legal

process. The term shall also include a structure that has been ordered secured pursuant to section 10-411 of this Code.

Vector conditions means conditions caused by the accumulation of refuse, vegetation, water or other matter creating breeding and living places for insects, ectoparasites, rodents or other pests.

Ventilation means the process of moving or circulating air by natural or mechanical means to or from any space, regardless of whether such air may have been conditioned.

Watertight means made or assembled so that water cannot enter or escape.

Weatherproof means able to withstand exposure to weather without damage.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 10, 7-6-94; Ord. No. 98-613, § 26, 8-5-98; Ord. No. 02-399, § 37, 5-15-02; Ord. No. 02-528, § 14g., 6-19-02; Ord. No. 04-1075, § 3, 10-20-04)

Sec. 10-318. Scope.

(a) The provisions of this article shall apply to the construction, re-construction, alteration, repair, renewal, equipping, use and occupancy, maintenance, removal, securing, vacating and demolition of every structure or building or any appurtenances connected or attached thereto.

(b) Without limitation of the above, the provisions of this article shall apply to all buildings regardless of when they were constructed, altered or repaired, except as may be otherwise provided herein.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-319. Article supplemental.

The provisions of this article shall be cumulative of all other ordinances, laws and applicable regulations. Without limitation of the generality of the foregoing, any action to secure, repair or demolish a structure that is ordered pursuant to this article must comply with all applicable requirements of division 4 of article VII of chapter 33 of this Code.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 95-228, § 6, 3-1-95; Ord. No. 03-159, § 3, 2-12-03)

Sec. 10-320. Penalty for violations.

Unless a different penalty is specifically provided elsewhere in this article, any person violating any provision of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$200.00 nor more than \$2,000.00. Each day a violation continues shall constitute a separate offense. It shall be an affirmative defense to prosecution under this article that compliance with this article or any order

issued pursuant hereto was prevented as a result of the time for review and appeal following application for a certificate of appropriateness for mandatory repair pursuant to section 33-249 of this Code.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 95-228, § 5, 3-1-95)

Sec. 10-321. Powers and duties of neighborhood protection official.

(a) The neighborhood protection official has responsibility for the enforcement of this article, as more particularly provided herein.

(b) The neighborhood protection official, upon presentation of proper identification to the owner, agent or tenant in charge of a property, may enter the premises at any reasonable time; provided that, in cases of emergency where extreme hazards are known to exist that may involve imminent injury to persons, loss of life or severe property damage, the neighborhood protection official may enter the premises at any time upon presentation of proper identification. Whenever the neighborhood protection official is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by magistrate authorizing the inspection for violations of this article. In applying for such a warrant, the neighborhood protection official shall submit to the magistrate an affidavit setting forth the reason to believe that a violation of this article exists with respect to the property sought to be inspected and the reasons for such belief. The affidavit shall designate the location of the property sought to be inspected and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question the magistrate shall issue a warrant authorizing the search, and describing the premises with sufficient certainty to identify it. Any warrant so issued shall constitute authority for the neighborhood protection official to enter and inspect and gather evidence by any reasonable means including photography, video tape, and procuring samples and specimens of the premises

described therein. It shall be unlawful for any person to interfere with or refuse to permit entry or inspection pursuant to a warrant.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 11, 7-6-94; Ord. No. 98-613, § 27, 8-5-98)

Sec. 10-322. Alternative notices posted.

If the official charged with posting a notice or placard on property reasonably believes it will present a danger to post any notice or placard in the manner otherwise required, the official charged with posting such notice or placard may post such notice or placard in any manner reasonably likely to accomplish the intent of such notice or placard. (Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-323. Landlord/tenant.

The terms of this article shall not be construed to alter the terms of any lease or other agreement between landlord and tenant or others relating to property that is the subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article by any person. It is the intent of this article to identify the parties the city will hold responsible for compliance with and violations of this article, rather than to determine the rights and liabilities of persons under agreements to which the city is not a party. (Ord. No. 93-1570, § 1, 12-8-93)

Secs. 10-324—10-330. Reserved.

DIVISION 2. OVERCROWDED RESIDENTIAL HABITATION

Sec. 10-331. Overcrowding defined.

(a) A congregate residence or dwelling unit is considered overcrowded and a violation of this division if it is a hazard to the public health, safety, or welfare and it does not meet the following standards:

- (1) *Habitable floor space per person.* Each congregate residence or dwelling unit shall contain at least 150 square feet of habitable floor space for the first resident and

at least 100 square feet of additional habitable floor space for each additional resident.

- (2) *Sleeping space per person.* In each congregate residence or dwelling unit of two or more rooms, each room occupied for sleeping purposes by one resident shall contain at least 70 square feet of habitable floor space, and each room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of habitable floor space for each resident.

(b) For purposes of this section only, (i) children under 12 months of age shall not be considered residents, and children under six years of age shall be considered as one-half of one resident; and (ii) a room must have a ceiling height of at least seven feet to be considered habitable floor space.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-332. Notice of hearing.

The neighborhood protection official shall give notice of a hearing to be held under section 10-333 of this Code in the same manner as required for hearings under section 10-364 of this Code, at least five days prior to the hearing; provided that notice is required to be given only to the record owner of the affected property and to the residents of each affected dwelling unit. The notice shall set forth:

- (1) The specific conditions reported to cause overcrowding constituting a violation of the terms of this division;
- (2) That a hearing will be held before a hearing official designated pursuant to this division in which the city will seek an order consistent with the terms of this division;
- (3) The date, time and place of the hearing;
- (4) That any persons having an interest in the property may appear in person and/or be represented by an attorney and may present testimony and may cross-examine all witnesses; and

- (5) That the owner or any resident may present evidence of any efforts taken or proposed to be taken to alleviate any overcrowded conditions that violate the provisions of this division.

The notice of the hearing shall be placed in a conspicuous place on the building and on each dwelling unit and congregate residence that is subject to the hearing. The posting of such notice shall constitute notice to any person having an interest in the property who does not receive personal notice or notice by mail, including specifically the residents thereof and any owner whose address is not known or for whom notice has been returned unopened.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 12, 7-6-94; Ord. No. 98-613, § 28, 8-5-98)

Sec. 10-333. Hearing.

(a) A public hearing to consider reduction of resident load or vacating of a congregate residence or dwelling unit shall be held before the hearing official in the same manner as provided in section 10-365 of this Code. The neighborhood protection official shall present evidence of the overcrowded condition of the congregate residence or dwelling unit and any owner, sublessor, lessee, resident, mortgagee, or lienholder may present evidence on relevant issues.

(b) Upon consideration of the evidence presented, the hearing official shall issue an order that (i) determines the maximum resident load of the dwelling unit pursuant to the terms of this division, (ii) requires reduction of the resident load of the dwelling unit to the load so determined if the dwelling unit is found to exceed the maximum resident load, and (iii) establishes a reasonable period of time for the ordered reduction to be accomplished, giving due consideration to the degree of hazard presented by the overcrowded condition, such period not to be less than 30 days nor more than 45 days unless, based upon the extent of the risks imposed and the time required to cure, the hearing official determines a longer or shorter period is warranted. The director shall mail a copy of the order promptly after the deci-

sion is rendered to the owner of the affected building and to the residents of each affected dwelling unit or congregate residence.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 13, 7-6-94; Ord. No. 98-613, § 28, 8-5-98)

Sec. 10-334. Placarding overcrowded buildings; offenses.

(a) As soon as practicable following a hearing and determination by the hearing official of a violation of this division, the neighborhood protection official shall place a placard on a building and on each dwelling unit or congregate residence that is determined to be overcrowded. The placard shall warn of the hazardous condition, advise the public of the finding and provide notice of the order requiring the abatement of the overcrowded condition. The neighborhood protection official shall not remove the placard until the congregate residence or dwelling unit has been found to be in compliance with this division.

(b) A person commits an offense if the person:

- (1) Without authority from the director removes, defaces or destroys a placard placed by the neighborhood protection official by authority of this division;
- (2) Continues to be a resident of a congregate residence or dwelling unit that remains in violation of an order requiring reduction of resident load following the expiration of the period required, a tenant shall be relocated or evicted by legal means; or
- (3) As owner of a congregate residence or dwelling unit authorizes or allows the congregate residence or dwelling unit to be occupied in violation of an order requiring reduction of resident load following the expiration of the period required for compliance specified in the order.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 14, 7-6-94; Ord. No. 98-613, § 28, 8-5-98)

Sec. 10-335. Relocation of displaced occupants.

(a) Whenever vacating of residents of a congregate residence or dwelling unit is required to comply with an order requiring reduction of the

occupancy load, the neighborhood protection official may provide such residents the following assistance:

- (1) A list of dwelling units in the same general area of the applicable congregate residence or dwelling unit, that are of adequate size to comply with this Code and that are known to be available and affordable within such residents' economic means; and
- (2) Assistance in arranging and negotiating the rental of replacement housing including referral to moving contractors who are prequalified by the city and who will provide their services at low bid costs.

(b) Any assistance provided pursuant to this section may be provided by the neighborhood protection official during the period established for accomplishing the ordered resident load reduction.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 14, 7-6-94; Ord. No. 98-613, § 28, 8-5-98)

Secs. 10-336—10-340. Reserved.

DIVISION 3. MINIMUM STANDARDS

Sec. 10-341. Minimum standards generally; penalty; responsibilities of owners and occupants.

(a) It shall be unlawful for any person to knowingly allow or suffer a building, structure or property of which he has ownership, control or possession to be kept or used in violation of this division.

(b) Both owners and occupants are subject to all penal provisions of this division as they apply to such parties.

(c) Every owner of a building shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises thereof.

(d) Every occupant of a dwelling or dwelling unit shall keep in a clean, sanitary condition that part of the dwelling, dwelling unit and premises thereof that the occupant occupies or controls.

(e) The owner or occupant of a building or property shall not use the building or property for the open storage of any dead trees, trash, or refuse, or of any glass or building material, or of any inoperable icebox, refrigerator, stove, motor vehicle or boat, or any similar items. For the purposes of this section, "inoperable" means being in a state of disrepair or otherwise reasonably incapable of being used for its intended purpose, and in the case of a motor vehicle, unlicensed. It shall be the duty and responsibility of every owner or occupant to keep the property clean and to remove from the premises all such items described above. It is an affirmative defense to prosecution for storage of an inoperable vehicle or other prohibited item hereunder that a person is licensed by the proper authorities, pursuant to applicable statute, ordinance or regulation, to store such vehicle or item in the manner in which it was being stored at the time of citation therefor.

(f) A violation of this division shall not of itself create a negligence per se standard or otherwise expand existing liability in tort for either landlord or tenant.

(g) No person shall occupy or let to another for occupancy, any building, structure or portion thereof that has been ordered vacated pursuant to this division.

(h) The provisions of this division shall apply to manufactured homes and house trailers to the extent allowed by law.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-1268, § 4, 11-22-94)

Sec. 10-342. Congregate residence.

(a) Each building designed or intended to be used as a congregate residence shall contain, as a minimum, the sanitary facilities and equipment shown below:

<i>Water Closets</i>	<i>Lavatories</i>	<i>Tubs or Showers</i>
1 for each 8 persons	1 for each 12 persons	1 for each 8 persons

(b) Except as otherwise provided in this section, the minimum standards as set forth in section 10-343 of this Code shall apply to each rooming unit within a congregate residence, unless otherwise stated.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-343. Responsibilities of owner.

(a) *General maintenance.* All buildings, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition and in compliance with the standards of this division. All devices or safeguards required by this division in a building that is altered, repaired or constructed in accordance with the Construction Code shall thereafter be maintained in good operating condition.

(b) *Property standards.* An owner shall:

- (1) Eliminate any unprotected hole, open excavation, sharp protrusion from the ground or walls and any other object or condition that exists on the land that is reasonably capable of causing injury to a person;
- (2) Securely seal or plug an unused water well; secure the area, pump house and electrical service for operating water wells; remove an unused septic tank or grease trap, or pump the effluent and fill the tank or trap with soil or sand; remove or fill an unused cesspool or cistern with soil or sand; and securely cover all septic tanks or grease traps still in service;
- (3) Remove dead trees, tree limbs and other debris that are reasonably capable of causing vector conditions or injury to a person; and
- (4) Keep the doors and windows of a vacant building or vacant portion of a building securely closed to prevent unauthorized entry.

(c) *Structural standards.* An owner shall:

- (1) Protect the exterior surfaces of a building reasonably subject to decay by application of a protective covering, coating or other preservative;
- (2) Fill any unprotected or unenclosed hollow masonry piers, foundation holes, and any other openings that may be accessible to children or adults;
- (3) Provide and maintain handrails on stairways, ramps, balconies and porches that are more than 30 inches above grade;

- (4) Maintain a building intended for human occupancy and a building used as an accessory to a building intended for human occupancy in a weatherproof and water-tight condition;
 - (5) Maintain floors, supporting walls, ceilings and all supporting structural members in a sound and safe condition, capable of bearing imposed loads safely;
 - (6) Maintain every inside and outside stair, porch and appurtenance thereto in a sound and safe condition, and in good repair capable of supporting the load that normal use may cause to be placed thereon;
 - (7) Provide cross-ventilation of not less than one and one-half square feet for each 25 linear feet of wall in each basement or crawl space that is not mechanically ventilated;
 - (8) Repair or replace chimney flue and vent attachments that are unsafe or do not function properly;
 - (9) Repair holes, cracks, breaks and loose surface materials that are health or safety hazards in or on floors, walls, ceilings, porches, steps and balconies;
 - (10) Provide and maintain a moisture-resistant finish or material, such as ceramic tile or vinyl, for the flooring or subflooring of each bathroom, or room containing a toilet; and
 - (11) Maintain all fences and accessory structures, including detached garages and sheds, in a structurally sound condition and in good repair.
- (d) *Utility standards.* An owner shall:
- (1) Provide and maintain in good operating condition connections to discharge sewage from a building into a public sanitary sewer system where service is available, or an approved septic system where public sewer service is not available;
 - (2) In each dwelling unit, provide and maintain in good operating condition a toilet located in a room affording privacy to the user, and connected to a water source and to a public sanitary sewer system, where service is available, or an approved septic system where public sewer service is not available;
 - (3) Provide and maintain in good operating condition connections and pipes to supply potable water at adequate pressure to a building intended for human habitation;
 - (4) Provide and maintain in good operating condition a device to supply hot water of a minimum temperature of 120 degrees Fahrenheit;
 - (5) Provide, maintain and connect to a cold and hot water source a bathtub or shower in a room affording privacy to the user and a lavatory in dwelling unit;
 - (6) Provide, maintain and connect to a cold and hot water source a kitchen sink in each kitchen;
 - (7) Provide and maintain for dwelling units and guest rooms heating equipment in good operating condition so that it is capable of maintaining a minimum inside temperature of 70 degrees Fahrenheit when it is 20 degrees Fahrenheit outside, such inside temperature to be measured at a point three feet above the floor in each room intended for human habitation;
 - (8) If screens are not provided as required in subsection (e)(2) of this section, provide and maintain in good operating condition refrigerated air equipment capable of maintaining a maximum inside temperature that is 20 degrees Fahrenheit lower than the outside temperature or 85 degrees Fahrenheit, whichever is warmer, in each room intended for human habitation;
 - (9) Connect every dwelling or dwelling unit or guest room to an approved electrical service. Each habitable room shall contain at least two wall-type convenience outlets or one such convenience outlet and one ceiling-type light fixture with wall switch. Every bathroom, room containing a toilet, laundry room, and furnace room

shall be supplied with at least one ceiling or wall-type light fixture or one wall-type convenience outlet;

- (10) In all buildings not covered by the preceding provision, provide and maintain in good operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of equipment, appliances and fixtures;
- (11) Provide every public hall and stairway in a building with adequate illumination; and
- (12) Connect each heating and cooking device that burns solid fuel to a chimney or flue.

For purposes of this division, existing plumbing and electrical equipment and heating and cooling facilities that were originally installed in compliance with the then-existing Construction Code are permissible under this division, provided the equipment or facility is still in good operating condition and capable of being used in a safe manner.

(e) *Health standards.* An owner shall:

- (1) Take effective action to substantially eliminate insects, rodents, ectoparasites or other pests in or on the premises, except as may be limited in section 10-344(b) of this Code;
 - (2) Provide any dwelling, dwelling unit or guest room with a screen for keeping out insects at each opening of the building if the building is not cooled with refrigerated air;
 - (3) Maintain the interior of a vacant building or vacant portion of a building free from rubbish and garbage;
 - (4) Properly grade the property surrounding a building to obtain thorough drainage and to prevent the accumulation of stagnant water;
 - (5) Provide every dwelling unit or guest room with means of egress as required by the Construction Code in effect at the time of construction and by Appendix L to the Building Code; and
- (6) Provide a kitchen in each dwelling unit, provided that a kitchen shall not be required in a rooming unit of a congregate residence.
- (f) *Light and ventilation standards.* An owner shall:
- (1) Provide every habitable room with at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor space of the room. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 percent of the total floor space of such room. For purposes of this section, sliding glass doors shall be considered equivalent to windows;
 - (2) Provide every bathroom and toilet compartment with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and toilet rooms equipped with an approved ventilation system;
 - (3) Provide every habitable room with ventilation in either of the following manners:
 - a. By providing every habitable room with at least one window or skylight that can easily be opened, with total openable window area in every habitable room equal to at least 40 percent of the minimum window area size or minimum skylight size, as required; or
 - b. In lieu of openable window area, by providing other approved mechanical ventilation (except windows required by the Construction Code).

(g) It is an affirmative defense to a prosecution of an owner for violation of this section that (i) the premises concerned is the site of new construction and reasonable and continuous progress is being made to complete the construction, (ii) with respect to subsections (d)(3), (4), (7), (8) and (9) of this section that (A) the applicable utilities were disconnected from the premises if the owner was legally authorized to cause the termination of utility service to an applicable rental unit because of non-payment of rent and (B) the tenant did not pay the utilities directly to the utility company, and (C) the premises otherwise were in substantial compliance with this division, or (iii) the substandard condition was not capable of discovery by the owner upon reasonable investigation or inspection.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 02-399, §§ 38, 39, 5-15-02)

Sec. 10-344. Responsibilities of occupant.

(a) An occupant, in connection with the portion of a building under the occupant's control, shall:

- (1) Keep the premises free from rubbish, garbage and other conditions that would encourage infestation of insects, ectoparasites, rodents or pests;
- (2) Remove any animal over which the occupant has ownership, control or possession from the premises if the presence of the animal is a health hazard;
- (3) Install plumbing fixtures, heating equipment, electrical and mechanical equipment that the occupant supplies, in accordance with applicable codes and laws; and
- (4) Not alter a building or its facilities so as to create a violation of this division.

(b) With respect to single-family residential buildings, if the owner shows that the building was treated to eliminate insects, ectoparasites, rodents and other pests by a duly licensed exterminator within either (i) two weeks before the date the resident took occupancy, or (ii) the preceding six months if there has been more than one residential lease during the preceding six months, then the resident of the building shall be respon-

sible for keeping the interior of the building free from insects, ectoparasites, rodents and other pests.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-345. Retaliation against residents prohibited.

An owner or operator commits an offense by retaliating against a resident for reporting potential violations of this division. Without limitation of the foregoing, the actions constituting retaliation set forth in section 92.057 of the Texas Property Code, as may be amended from time to time, are hereby incorporated by reference and shall constitute events of retaliation under this section. In addition, the defenses to prosecution set forth under section 92.057 of the Texas Property Code shall constitute defenses to prosecution hereunder.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-346. Enforcement of minimum standards.

Upon discovery of a violation of this division, the neighborhood protection official may issue a municipal citation to the violator, enforceable in municipal court. The neighborhood protection official shall first issue a written warning to the violator instructing the violator of the violation and providing an opportunity to cure the violation, unless it is determined, based upon the nature of the violation, that immediate action is required to protect the health, safety, and welfare of the public. Failure to give such notice shall not preclude the issuance of a municipal citation for the violation.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 15, 7-6-94; Ord. No. 98-613, § 29, 8-5-98)

Sec. 10-347. Notice of hearing.

As an alternative to the process described in the preceding section 10-346 of this Code, if a premises, building, structure, or portion thereof has, upon inspection, been discovered to be in violation of this division, the neighborhood protection official may schedule a hearing concerning the violation to be held before either the commission or the hearing official. The neighborhood

protection official shall serve written notice of the hearing by personal service, or by certified mail, return receipt requested, on all persons having an interest in the property as shown by the real property records of the county in which the property is located and all occupants thereof. The notice shall be mailed at least ten days prior to the date set for the hearing and shall inform such persons that a hearing will be held regarding the violation. Notice shall set forth the specific conditions that render the premises, building, structure, or portion thereof to be in violation of the standards set forth in this division. Notice of the hearing shall also be posted on the building, or if no building, on the premises.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 15, 7-6-94; Ord. No. 98-613, § 29, 8-5-98)

Sec. 10-348. Hearings.

(a) Commission hearings relating to violations of this division shall be carried out in accordance with the applicable provisions of division 5 of this article. Unless otherwise provided in section 10-347 of this Code, the notice for commission hearings shall comply with the provisions of section 10-393 of this Code. At commission hearings, the city may seek an order requiring the premises, building, structure or portion thereof to be vacated, secured, repaired, demolished or cleaned up or otherwise requiring action appropriate to remedy the conditions constituting a violation of this division upon a finding that the premises, building, structure, or portion thereof is in violation of this division. Consistent with the provisions of section 10-394 of this Code, the commission by order may:

- (1) Declare a building substandard in violation of this division;
- (2) Order the repair, within a fixed period, of buildings found to be in violation of this division;
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this

division, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;

- (4) Issue orders or directives to any peace officer of the state, including a sheriff, constable, or the chief of police, to enforce and carry out the lawful orders or directives of the commission; and
- (5) Determine the amount and duration of the civil penalty the city may recover as provided by section 54.017 of the Texas Local Government Code.

The provision of notice, the finality of commission orders, and the duties of the city attorney at commission hearings shall be governed by the provisions of sections 10-393, 10-394 and 10-396 of this Code.

(b) Hearings of the hearing official relating to violations of this division shall be carried out in accordance with the applicable provisions of division 4 of this article, other than section 10-368 thereof, provided that all references therein to violations of the standards set forth on section 10-361 of this Code shall be construed to refer to violations of this division. Unless otherwise provided in section 10-347 of this Code, the notice for hearings of the hearing official shall comply with the provisions set out in section 10-364 of this Code. At hearings of the hearing official, the city may seek an order requiring the premises, building, structure or portion thereof to be vacated, secured, repaired, demolished or cleaned up or otherwise requiring action appropriate to remedy the conditions constituting a violation of this division upon a finding that the premises, building, structure, or portion thereof is in violation of this division. The provision of notice, the finality of orders of the hearing official, and the duties of the city attorney at hearings of the hearing official shall be governed by the provisions of sections 10-364, 10-372 and 10-376 of this Code.

(c) In the event a determination is made pursuant to either (a) or (b) above that a building is in violation of this division, the order issued with respect to the building hereunder shall allow for no less than 180 days to correct the violation if the owner of the building shows to the commission or the hearing official, as applicable, that the owner

- (1) Is disabled within the meaning of such term under Texas Property Tax Code, section 11.13(m),
- (2) Is at least 65 years of age, or
- (3) Resides in the building with one or more of the person's minor children;

provided that, the building giving rise to the order qualifies as the owner's lawful homestead under applicable state law and the owner's annual family income is considered "very low income," as such term is defined in 24 CFR section 813.102 as computed for the city for purposes of Section 8 of the United States Housing Act of 1937. A person so qualified may be represented at hearings by the person's duly authorized representative, in the same manner as provided for other property owners. This section shall not be applicable in cases in which the commission or the hearings official determines an imminent danger to health and safety exists with respect to the applicable building. In addition, as soon as practicable following the issuance of an order, the neighborhood protection official shall provide an owner qualifying under this subsection with any available information regarding the availability of assistance for housing renovation through the city's department of housing and community development.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 16, 7-6-94; Ord. No. 98-613, § 29, 8-5-98)

Sec. 10-349. Placarding.

Following a hearing and determination of a violation of this division, the neighborhood protection official shall cause to be posted at an entrance to the premises a notice containing the following or substantially similar language:

THESE PREMISES HAVE BEEN DETERMINED TO BE IN VIOLATION OF THE MINIMUM BUILDING STANDARDS OF THE CITY OF HOUSTON, AND THEIR USE OR OCCUPANCY IN VIOLATION OF THE ORDER OF (here the notice shall set forth the applicable ordering authority) IS PROHIBITED.

The notice shall remain posted until the actions required in the order are performed or demolition is completed. It shall be unlawful for

any person to remove the notice without written permission of the neighborhood protection official, if the building or structure is ordered vacated, for any person to enter the building or structure in violation of the order except for the purpose of securing, carrying out the ordered actions, or demolishing the building or structure. If the building or structure is ordered to be vacated, the director may order a utility hold on its utilities to take effect at the time the vacating is ordered to take place.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 17, 7-6-94; Ord. No. 98-613, § 29, 8-5-98)

Sec. 10-350. Certificate of compliance.

The building official shall issue a certificate of compliance after receipt by the building official of an inspection report that shows no violation exists or that violations previously found to exist have been eliminated. A certificate of compliance shall be effective and continue in force thereafter until the neighborhood protection official makes further inspection and determines that a violation of this division exists.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 17, 7-6-94; Ord. No. 98-613, § 29, 8-5-98)

Sec. 10-351. Action by city authorized; administrative expenses; lien.

If a person fails, neglects or refuses to comply with an order issued pursuant to this division, the city may perform any and all work as may be required to bring the property into compliance with the applicable order, and the city's expenses related to such work shall constitute a lien against the property in the same manner as provided in section 10-373 of this Code. In addition, it shall be unlawful for any person to fail to comply with an order issued pursuant to this division. Administrative expenses and liens for city work done pursuant to this division shall be governed by the provisions of section 10-373 of this Code.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-352. Division cumulative.

The remedies provided in this division are cumulative of all other available remedies, including, but not limited to, criminal prosecution, the

initiation of civil suits by the city for the abatement of violations of this division, and the issuance of municipal citations.

(Ord. No. 93-1570, § 1, 12-8-93)

Secs. 10-353—10-360. Reserved.

DIVISION 4. DANGEROUS BUILDINGS

Sec. 10-361. Dangerous buildings defined.

(a) All buildings, structures, dwellings, dwelling units, and accessory buildings, regardless of their date of construction, that have any or all of the following defects are deemed to be dilapidated, substandard or unfit for human habitation and a danger to the public health, safety and welfare, and are further declared to be dangerous buildings:

- (1) Walls or other vertical structural members that list, lean or buckle in excess of one-quarter inch of horizontal measurement for each foot of vertical measurement;
 - (2) Thirty-three percent or more damage or deterioration of the supporting members, or 50 percent or more damage or deterioration of the non-supporting members or outside walls or coverings;
 - (3) Roofs or walls that are not weathertight and waterproof;
 - (4) Improperly distributed loads upon the floors or roofs or in which the floors are overloaded, or which floors or roofs have insufficient strength to be reasonably safe for the purpose used;
 - (5) Parts that are not properly attached so that they may fall or injure members of the public or property;
 - (6) Light, air or sanitation facilities that are inadequate to protect the life, safety or the general health and welfare of the structure's occupants or inhabitants of the city;
 - (7) Unsafe or defective electrical wiring, devices or equipment, or unsafe or defective gas piping or appliances that are liable to cause or promote fires;
 - (8) Damage by fire, explosion, wind, vandalism, elements of nature or otherwise so as to be dangerous to the life, safety or the general health and welfare of the structure's occupants or inhabitants of the city;
 - (9) Dilapidated, decayed, unsafe, unsanitary or substandard conditions or any conditions that fail to provide amenities essential to decent living so that the premises are unfit for human habitation or are likely to cause sickness or disease so as to cause injury to the public health, safety or welfare;
 - (10) Conditions that violate any provision of this Code, the Construction Code or the Fire Code to such an extent as to be a danger to the public health, safety, and welfare; or
 - (11) Buildings and structures, regardless of their structural condition, that have during times that they were not actually occupied by their owners, lessees or other legal invitees, been left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children.
- (b) A building that is boarded up, fenced or otherwise secured in any manner is nevertheless declared to be a dangerous building under the foregoing criteria if:
- (1) The building constitutes a danger to the public even though secured from entry;
 - (2) The building's roof, walls or floor contains holes that would allow insects, ectoparasites, rodents or other pests to gain access to the building for harborage to the extent constituting a present hazard to health or safety; or
 - (3) It is found that the means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

(c) It shall be unlawful for any person to knowingly permit, allow or suffer any building under that person's ownership or control to be or remain in such a condition as to constitute a dangerous building. The issuance of an order by the hearing official under this division establishing times for the securing, vacating, repairing or demolishing of any building shall not be construed to condone the violation of this section prior to the deadlines therefor established in such order. No testimony or other evidence provided by any person in a hearing conducted under this division may be used in any criminal prosecution against that person under this section. No person shall be prosecuted under both this section and section 10-375 of this Code for the same offense involving the same building or structure on the same day. (Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 02-399, § 40, 5-15-02)

Sec. 10-362. Dangerous buildings declared nuisances.

All dangerous buildings within the terms of this division are hereby declared to be public nuisances and shall be vacated, secured, repaired, removed or demolished as hereinafter provided or otherwise abated.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-363. Duties of neighborhood protection official.

The neighborhood protection official shall:

- (1) Inspect any building or structure that may be in violation of the terms of section 10-361 of this Code, whether based upon public complaint or determination by city employee;
- (2) Report the existence of buildings or structures discovered upon inspection to be dangerous so that hearings may be scheduled pursuant to this division; and
- (3) Appear at hearings conducted pursuant to this division and testify about the conditions existing in the dangerous building.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 18, 7-6-94; Ord. No. 98-613, § 30, 8-5-98)

Sec. 10-364. Notice of hearing.

If a building has, upon inspection, been discovered to be a dangerous building, then the neighborhood protection official shall serve written notice on all persons having an interest in the property as shown by the real property records of the county in which the property is located either by personal service or by certified mail, return receipt requested. This notice shall inform the persons that a hearing will be held in which the city will seek an order requiring the building to be vacated and/or requiring the building to be repaired and/or demolished and/or secured upon a finding that the building is a dangerous building. The notice shall also set forth:

- (1) The specific conditions that render the building a dangerous building within the standards set forth in section 10-361 of this Code;
- (2) That a hearing will be held before a hearing official designated pursuant to this division in which the city will seek an order that the building be vacated, secured, repaired, and/or demolished as provided in section 10-366 of this Code;
- (3) The date, time and place of the hearing;
- (4) That all persons having an interest in the property may appear in person and/or be represented by an attorney and may present testimony and cross-examine all witnesses; and
- (5) That the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this division and the time it will take to reasonably perform the work.

If the address of any person having an interest in the property as shown in the deed records is unknown, or if notice to any person having an interest in the property is returned undelivered, a copy of such notice shall be posted in a conspicuous place on the property on which the building is located. The posting of such notice shall constitute notice to any person having an interest in the property who does not receive personal notice or notice by mail. In addition, the city may file notice

of the hearing in the real property records of the county in which the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire an interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 18, 7-6-94; Ord. No. 98-613, § 30, 8-5-98)

Sec. 10-365. Hearings.

(a) All hearings shall be held by a person designated by the chief of police. The person so designated shall be referred to as the hearing official. The chief of police shall not designate as hearing official any person who has participated in the inspection of a building that is a subject of the hearing at which the hearing official presides or who has had prior knowledge of the conditions of such building, except the hearing official may, prior to the hearing, receive a copy of any notice given in connection with the proceeding.

(b) All hearings and rehearings shall be conducted under rules reviewed for legal form and substance by the city attorney and adopted by the hearing official consistent with the nature of the proceedings; provided, however, the following rules shall apply to initial hearings:

- (1) All parties shall have the right to representation by an attorney, though an attorney is not required;
- (2) Each party may present witnesses in the party's own behalf;
- (3) Each party has the right to cross-examine all witnesses; and
- (4) Only evidence presented to the hearing officer at the hearing may be considered in rendering the order.

(c) The owner has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(d) If no person having an interest in the building appears before the hearing official at the date and time specified for the hearing, the neighborhood protection official shall proffer evidence showing the building to be a dangerous building within the standards set forth in section 10-361 of this Code.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 19, 7-6-94; Ord. No. 95-994, § 1, 9-13-95; Ord. No. 98-613, § 30, 8-5-98; Ord. No. 04-1075, § 4, 10-20-04)

Sec. 10-366. Findings; order.

(a) After completion of the presentation of testimony by the neighborhood protection official and all parties appearing, the hearing official shall make written findings of fact as to whether or not the building is a dangerous building within the standards set forth in section 10-361 of this Code.

(b) If the hearing official finds that the building is a dangerous building, the hearing official shall issue an order directing the owner, occupant and all other persons having an interest in the building as shown by the real property records of the county in which the property is located that:

- (1) The building be vacated if it is occupied and the hearing official finds that the building is in a condition that makes it dangerous to the health, safety or welfare of its occupants;
- (2) The building be lawfully secured, repaired, renovated or demolished if it can reasonably be brought into compliance by one or more of these actions;
- (3) The building be demolished if it cannot reasonably be repaired or renovated; and/or
- (4) If the building is unoccupied and the condition of the building is such that it may be brought into compliance by securing it from unauthorized entry, then the order may provide that the building be lawfully secured and be kept secured and

may include or adopt written specifications that must be complied with in securing the building and may provide that the building be demolished if it is not secured in compliance therewith.

(c) Where authorized by section 214.0015 of the Texas Local Government Code, the hearing official shall determine and assess the civil penalty the city may recover. If the owner shows that the property is the owner's lawful homestead, the penalty shall not exceed \$10.00 a day for each violation. A certified copy of a homestead designation from the county appraisal district shall constitute prima facie evidence of the homestead status, and a certified letter sent to the property owner shall constitute prima facie evidence that the owner was notified of the requirements of this article and the owner's need to comply.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 20, 7-6-94; Ord. No. 95-994, § 2, 9-13-95; Ord. No. 98-613, § 30, 8-5-98)

Sec. 10-367. Time allowed for action.

If the hearing official determines that a building is a dangerous building, the order shall state the date by which the action ordered must be completed, and that the neighborhood protection official shall cause the building to be secured, vacated, repaired and/or demolished if the persons having an interest in the property do not comply with the order. The order shall require the owner of a dangerous building to comply with the

order within 30 days; provided that, if the owner establishes at the hearing that the work cannot reasonably be performed within 30 days, and the hearing official determines from the record that a greater period of time is warranted, the hearing official may provide for a specified period greater than 30 days as provided below.

If the hearing official allows the owner more than 30 days to comply with the order, the hearing official shall establish specific time schedules for the commencement and performance of work and shall require the owner to secure the property in a reasonable manner from unauthorized entry while the work is being performed.

The hearing official may not allow the owner more than 90 days to perform fully all work required to comply with the order unless the owner: (i) submits a detailed plan and time schedule for the work at the hearing; and (ii) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work. If the hearing official allows the owner more than 90 days to comply with the order, or any part of the work required to comply with the order, the hearing official shall require the owner to submit regular progress reports to the city to demonstrate that the owner has complied with the time schedules established for the commencement and performance of the work. The order may require that the owner appear before the hearing official to demonstrate compliance with specified time schedules.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 21, 7-6-94; Ord. No. 98-613, § 30, 8-5-98)

Sec. 10-368. Placarding.

(a) If the hearing official finds that the building is a dangerous building and in a condition that makes it dangerous to the health, safety or welfare of its occupants or to the citizens, the hearing official shall order that the city place a notice in a conspicuous place on such building. The notice shall state the following, or words substantially similar thereto, sufficient to be visible from the nearest public street:

THIS BUILDING HAS BEEN FOUND TO
BE A DANGEROUS BUILDING. OCCU-

PANCY OF THIS BUILDING IS PROHIBITED BY LAW AS SUCH OCCUPANCY IS DANGEROUS TO THE HEALTH, SAFETY AND WELFARE OF ITS OCCUPANTS. THIS NOTICE IS POSTED (here the notice shall set forth the date and hour such notice is posted). ALL PERSONS MUST VACATE THIS BUILDING NOT LATER THAN 48 HOURS AFTER THE TIME OF POSTING AND SHALL NOT RE-ENTER THE SAME UNTIL THE CITY FINDS THAT THE BUILDING HAS BEEN REPAIRED SO AS TO BE IN COMPLIANCE WITH THE ORDINANCES OF THE CITY OF HOUSTON. THIS NOTICE SHALL REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR DEMOLISHED.

(b) If the hearing official finds that, in addition to requiring vacation as described above, the building is in such condition that it is dangerous for anyone to enter other than to carry out work in compliance with the order, the hearing official shall order that the city place a notice in a conspicuous place on the building, stating the following, or words substantially similar thereto, sufficient to be visible from the nearest public street:

THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE CITY OF HOUSTON. NO PERSON SHALL ENTER THIS BUILDING EXCEPT PERSONS AUTHORIZED BY THE OWNER WHO ENTER SOLELY FOR THE PURPOSE OF CORRECTING THE HAZARDOUS CONDITIONS THEREIN AND INSPECTORS OF THE CITY OF HOUSTON. THIS NOTICE SHALL REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR DEMOLISHED.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-369. Notice of order.

(a) After the hearing, the city shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building, and if the owner does not take the ordered action within the allotted time, the city shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of

the building. The city shall use the real property records of the county in which the building is located to determine, if possible, the identity and address of any owner, lienholder, or mortgagee of the building. If the address of a person having an interest in the property as shown on the deed records is unknown, or if the order is returned undelivered, a copy of the order shall be posted in a conspicuous place on the building subject to the order. The posting of the order shall constitute notice to any person having an interest in the property who does not receive personal service.

(b) Within ten days after the date that the order is issued, the city shall publish in a newspaper of general circulation in the city a notice containing (i) the street address or legal description of the property; (ii) the date of the hearing; (iii) a brief statement indicating the results of the order; and (iv) instructions stating where a complete copy of the order may be obtained. A copy of the order of the hearing official shall also be filed in the deed records of the county in which the property is located.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 03-1238, § 1, 12-10-03)

Sec. 10-370. Action by city authorized.

If the persons having an interest in the property fail to comply with the order of the hearing official within the time specified in the order for compliance, the neighborhood protection official shall cause the building to be vacated, repaired, secured, and/or demolished pursuant to the order. (Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 22, 7-6-94; Ord. No. 98-613, § 31, 8-5-98)

Sec. 10-371. Reconvened hearings.

In any instance in which an order has been issued pursuant to item (4) of subsection 10-366(b) of this Code, providing that a building be secured and the owner complies with the order by securing the building, the hearing official's case file shall, nevertheless, remain active for a period of three years from the date of the order. The neighborhood protection official may request the hearing official to reconvene the hearing if the neighborhood protection official receives evidence that the building has not remained secured and is

in contravention of section 10-361(a)(11) of this Code. Upon notice of the unsecured condition of the building to the owner, lienholders, occupants and other persons having an interest in the property, the hearing official shall reconvene the hearing. If the hearing official finds that the building remains a dangerous building notwithstanding the owner's efforts to secure it, the hearing official may issue a revised order that the building be demolished. An order of the hearing official ordering the securing of the building shall not be released until the owner of the building requests a release, and the building official issues a certificate of compliance certifying that the building is in full compliance with applicable minimum standards for the contemplated use of the building.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 22, 7-6-94; Ord. No. 98-613, § 31, 8-5-98)

Sec. 10-372. Judicial review.

Unless a judicial review petition is timely filed as provided by under chapter 214 of the Texas Local Government Code, the orders of the hearing official shall in all things be final and binding. (Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-373. Administrative expenses; lien.

(a) The city council hereby finds and declares that the general administrative expenses of inspecting buildings, locating owners, conducting hearings, issuing notices and orders, together with all associated administrative functions, require the charge of not less than \$450.00 for each lot, adjacent lots under common ownership, or tract of land for which an order is issued under this division, and such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the city secures, demolishes or performs other work in connection with an order or contracts for such services thereon. Notwithstanding any tabulation of recorded costs, a charge of not less than \$450.00 is hereby expressly stated to be a minimum charge. Further, the costs of securing, demolishing or performing other work in connection with an order either by the city or by persons doing so under contract with the city,

shall be separately calculated and assessed in each instance in which the city takes the described action pursuant to this division.

(b) The neighborhood protection official shall certify all administrative expenses and costs of vacating, securing, repairing or demolishing a building or buildings incurred by the city or by persons doing so under contract with the city as a charge that shall be assessed the owners thereof, and shall constitute a lien on the land on which the building or buildings are or were situated, privileged over all other liens to the maximum extent allowed by law. Upon the filing of the lien statement with the county clerk, the charges shall bear interest at the rate of ten percent per annum until paid.

(c) If the city has let a contract for demolition of a building pursuant to a valid order issued under this division and the building is subsequently repaired or demolished by persons other than the city or its contractors prior to completion of the contract let by the city, or such demolition is not carried out due to events beyond the city's control, the administrative expenses and all costs for cancellation of the demolition contract shall be certified as a charge that shall be assessed against the owner thereof, and that shall constitute a lien on the land on which the building or buildings are or were situated, privileged over all other liens to the maximum extent allowed by law. Upon the filing of the lien statement with the county clerk, the charges shall bear interest at the rate of ten percent per annum until paid.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 23, 7-6-94; Ord. No. 98-613, § 32, 8-5-98)

Sec. 10-374. Execution of written release of lien upon payment of charges or where lien placed on property through error; execution of written notice of compliance.

(a) Upon full payment of the charges assessed against any property and upon the compliance of the property with all applicable orders as well as the terms of this division, or in the event the lien is placed on the property through error, the director is hereby authorized to execute, for and on behalf of the city, a written release of lien ap-

proved in each case by the legal department. A fee shall be imposed for such release of lien provided hereunder as specified in section 2-125 of this Code. The fee shall be waived upon written authorization of the director, if the director determines that the lien was placed through error of the city or its officers, agents or employees.

(b) Upon compliance with an order of the hearing official hereunder, the neighborhood protection official shall be and is hereby authorized to execute a written notice setting forth the date the notice of compliance is issued, the date the city found the building to be secured, repaired or demolished or otherwise in compliance with the order; and if the building had not been demolished, whether or not the building is in such condition that it may be occupied. An order to secure a building will be released only upon issuance of a certificate of compliance by the building official.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 24, 7-6-94; Ord. No. 98-613, § 32, 8-5-98)

Sec. 10-375. Violations; penalty for disregarding or removing notices or orders.

(a) It shall be unlawful for the owner, occupant or lessee in possession of any building subject to an order issued under this division, or anyone having an interest in the building as shown by the real property records of the county in which the building is located, and under a legal duty to take the ordered actions with respect to the building, to fail to comply with any applicable order issued pursuant to this division.

(b) It shall be unlawful for any person to remove any notice posted under the provisions of this division. Violations of this subsection shall be punishable as provided in section 1-6 of this Code. (Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-376. Duties of city attorney.

The city attorney shall:

- (1) Prosecute all persons failing to comply with the terms of the notices and orders provided for in this division;

- (2) Appear at all hearings before a hearing official in regard to dangerous buildings;
 - (3) Bring suit to collect all municipal charges, liens or costs incurred by the city in preparing or causing to be vacated, demolished, secured, or repaired dangerous buildings;
 - (4) Be authorized to bring and prosecute civil actions pursuant to subchapter B of chapter 54 of the Texas Local Government Code and under any other applicable law for the enforcement of the ordinances provided for in this division in any court of competent jurisdiction; and
 - (5) Take such other legal action as is necessary to carry out the terms and provisions of this division.
- (Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-377. Secure and notify.

(a) Under the provisions of this section, the neighborhood protection official may secure or cause to be secured any dangerous building as defined in this division that is unoccupied or is occupied only by persons who do not have a right of possession of the building.

(b) Before the eleventh day after the building is secured, the neighborhood protection official shall cause notice of the action to be given by personal delivery, mail, publication or posting to the owners and others who may have an interest in the building as provided in section 214.0011(c) of the Texas Local Government Code. The notice shall contain the information specified in section 214.0011(d) of the Texas Local Government Code.

(c) If within 30 days after the date the neighborhood protection official secures the building or causes the building to be secured, the owner files with the director a written request for a hearing, then a hearing shall be conducted within 20 days after the date the request is filed. The hearing shall be conducted in the same manner as provided elsewhere in this division, and the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building.

(d) If either (i) no hearing is requested or (ii) a hearing is requested and the hearing officer decides that the action taken to secure the building was justified under the criteria of this division, the city may place a lien against the property upon which the building is situated for the costs and expenses incurred by the city in securing the building in the same manner as provided in section 10-373 of this Code.

(e) The provisions of this section are cumulative of all other remedies. Without limitation, the neighborhood protection official may cause a building to be secured under this section and still schedule and conduct a hearing in the same manner as provided elsewhere in this division, if there is reason to believe that repair or demolition of the property is necessary or desirable to protect further the life, health and safety of the public. (Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 25, 7-6-94; Ord. No. 98-613, § 33, 8-5-98)

Sec. 10-378. Duty of city employees to report dangerous buildings.

It shall be the duty of all city employees whose responsibility it is to enforce this Code, the Construction Code, or the Fire Code to make a report in writing to the neighborhood protection official of all buildings they believe are dangerous buildings. Such reports are to be made within a reasonable time after the discovery of such building. (Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 25, 7-6-94; Ord. No. 98-613, § 33, 8-5-98; Ord. No. 02-399, § 41, 5-15-02)

Secs. 10-379—10-390. Reserved.

DIVISION 5. BUILDING AND STANDARDS COMMISSION

Sec. 10-391. Commission created.

The building and standards commission of the city is hereby created. The commission shall function pursuant to subchapter C of chapter 54 of the Texas Local Government Code for the purpose of hearing and determining cases concerning alleged violations of ordinances relating to dangerously damaged or deteriorated buildings or improvements, or conditions caused by accumulations

of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents. (Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-392. Members; terms.

(a) The commission shall consist of four commission panels with each panel composed of five regular and four alternate members who shall be appointed by the mayor and confirmed by the city council. At least one member of each commission panel so appointed shall be familiar with low-income housing or housing for the homeless issues.

(b) Each member shall serve for a term of two years and shall hold over until the member's successor is qualified. Each regular panel position shall be numbered consecutively within each panel as positions One through Five, and each alternate panel position shall be numbered consecutively within each panel as positions One through Four. The members of each panel, regular and alternate, shall be appointed to a specific numbered position. The terms of each even-numbered position shall begin on the first day of each even-numbered year and end on the last day of each odd-numbered year, and the terms of each odd-numbered position shall begin on the first day of each odd-numbered year and end on the last day of each even-numbered year.

(c) A member may be removed as provided in section 54.033(c) of the Texas Local Government Code.

(d) A vacancy in any position shall be filled for the remainder of the unexpired term.

(e) A quorum of a commission panel consists of four members, and no case before a panel shall be heard by fewer than four members. Alternate members shall serve in the absence of regular members when requested to do so by the mayor. The concurrence of four members of each commission panel is required for the issuance of an order of the commission panel. A quorum of the entire commission consists of 19 members and/or alternates, and the vote of a majority of a quorum of the entire commission is required for the approval of action by the commission as a whole.

(f) Each commission panel shall elect a chairman and vice chairman at its first meeting of each calendar year, and may reconvene from time to time to remove or replace officers by majority vote of the regular and alternate members of such panel.

(g) The commission as a whole shall elect a presiding chairman and vice chairman to preside over meetings of the commission as a whole at its first meeting of each calendar year. (Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-393. Hearings.

(a) The city attorney shall review for legal form and substance and the commission as a whole shall adopt rules in accordance with this division for the conduct of the meetings of the entire commission, and of any panel's hearings, rehearings and other proceedings. The rules shall be consistent with applicable law, this division and the duties of the commission. Without limitation, the rules shall ensure that persons required to appear before a commission panel receive notice as provided by law, have the right to legal counsel (although legal counsel shall not be required) and have the right to present evidence and cross-examine witnesses presented against them.

(b) All cases before the commission panels shall be presented by the director or the director's designee.

(c) The mayor shall designate a city employee who shall function as the recording secretary, maintain the office of the commission and keep the minutes, records and files of the commission panels as required by law.

(d) Meetings of a commission panel shall be held at the call of the chairman of each panel and at other times as determined by the commission. All meetings shall be open to the public to the extent required by applicable law.

(e) Each chairman of a panel, or in the chairman's absence, each acting chairman, may administer oaths and issue subpoenas to compel the attendance of witnesses. Any request for a subpoena shall be in writing and state the purpose for and relevancy of the intended witness.

and any documents requested. Requests for subpoenas may be denied by each chairman or acting chairman for valid cause noted upon the minutes of the commission panel.

(f) Notice of all proceedings before the commission panels shall be given by mail, posting and publication as provided by section 54.035 of the Texas Local Government Code.

(g) The commission panels shall have the full authority to issue orders as provided in section 54.036 of the Texas Local Government Code relating to alleged violations of ordinances relating to dangerously damaged or deteriorated buildings or improvements, or conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(h) No testimony or other evidence provided by any person in a hearing conducted under this division may be utilized in any criminal prosecution against that person under this Code.

(i) Hearings conducted by the commission panels shall be recorded by court reporter, video recorder or such other means as the commission may determine to ensure that a record is available for judicial review under section 54.039 of the Texas Local Government Code.
(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-394. Orders; appeals.

(a) The commission panels may:

- (1) Order the repair, within a fixed period of time, of buildings found to be dangerous buildings in violation of city ordinances;
- (2) Declare a building to be substandard in accordance with the powers granted by sub-chapter C of chapter 54 of the Texas Local Government Code;
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as

necessary to remedy, alleviate, or remove any substandard and dangerous building found to exist;

- (4) Issue orders or directives to any peace officer of the state, including a sheriff, constable or the chief of police, to enforce and carry out the lawful orders or directives of the commission panels; and
- (5) Determine the amount and duration of the civil penalty the city may recover as provided by section 54.017 of the Texas Local Government Code.

(b) Notice of each order issued by the commission panels shall be given by mail and by publication as provided in section 54.039(a) of the Texas Local Government Code.

(c) Unless a judicial review petition is timely filed as provided by section 54.039 of the Texas Local Government Code, the orders of the commission panels shall in all things be final and binding.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 03-1238, § 2, 12-10-03)

Sec. 10-395. Lien for city work.

If the city causes any dangerous building or vector conditions to be abated with its own employees or through contractors, the cost of the work and the administrative expenses incurred for the work performed under this division shall constitute a lien on the property. The director shall determine the amount of the lien and cause a statement to be filed in the real property records of the county in which the property is located. Upon the filing of the lien statement, the city shall have a lien, privileged to the maximum extent allowed by law, upon the land described therein to secure the payment of the expenditure so made. Such charges shall bear interest at the rate of ten percent interest until paid.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-396. Duties of the city attorney.

(a) The city attorney shall attend commission meetings and hearings and render legal counsel to the chairmen.

(b) In accordance with section 54.037 of the Texas Local Government Code, the city attorney may initiate and prosecute suits to enforce civil penalty orders issued by the commission panels.

(c) The city attorney shall defend all appeals initiated by a person aggrieved by an order of a commission panel.

(d) The city attorney shall render such other services, consistent with this article and subchapter C of the Texas Local Government Code necessary or desirable to ensure the prompt and efficient utilization of this division.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-397. Division cumulative.

This division is cumulative of all other available remedies, including but not limited to criminal prosecution, the initiation of civil suits by the city for the abatement of dangerous building conditions, and the administrative hearing process conducted under this article.

(Ord. No. 93-1570, § 1, 12-8-93)

Secs. 10-398—10-410. Reserved.

**DIVISION 6. SECURING A VACANT
DANGEROUS BUILDING****Sec. 10-411. Notice by neighborhood protection official.**

(a) The neighborhood protection official may issue to each owner of a building notice that the building must be secured under this division, if all of the following conditions exist:

- (1) The structure is a vacant dangerous building as defined in section 10-361 of this Code;
- (2) The structure has a watertight roof and does not appear to be unstable, in danger of collapse or otherwise in a rapidly deteriorating condition;
- (3) The structure does not have exterior structural wall(s) containing fire, water, or wind damage of more than 50 percent of any such wall;
- (4) The structure does not contain or promote vector conditions; and
- (5) The condition of the structure appears to be such that the structure may reasonably be secured and, as secured, would not present any significant risk to the health, safety and welfare of the public.

(b) Each notice shall advise the owner that the owner may file a protest of the notice within ten days of its receipt. The notice shall also advise the owner of the place and manner in which the protest may be filed. If any owner of a building timely files a protest, the neighborhood protection official shall withdraw the notice and immediately refer the matter for a hearing under division 4 of this article or to the commission under division 5 of this article.

(c) If a building is required to be secured under this article, the owner may secure it by either (i) obtaining a securing permit pursuant to the requirements of this division and securing such building in conformity therewith, or (ii) if reasonably possible, obtaining an appropriate repair

permit and, pursuant thereto, repairing or replacing all doors, windows and other openings such that they remain closed and locked.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 26, 7-6-94; Ord. No. 98-613, § 34, 8-5-98)

Sec. 10-412. Offense.

It shall be unlawful for any person to secure a vacant dangerous building without the necessary permit, regardless of whether the securing is done pursuant to an order issued under this article. (Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-413. Application for permit; amendments.

(a) Any person required to secure a building pursuant to an order issued under this article shall obtain a securing permit issued pursuant to this division. Any person requiring or desiring a securing permit shall make written application to the neighborhood protection official. The application shall include an affidavit by the applicant stating the full name(s) of the legal owner(s) of the building, the current residence and business mailing addresses and telephone numbers of the owner(s), and of the applicant, if different from the owner, and the city's ad valorem tax account number(s) for the property. A separate application and permit shall be required for each vacant building.

(b) Not less than 30 days nor more than 60 days prior to the expiration date of the permit, application may be made for a renewal of the permit. If the application is not timely filed, then the permit shall not be subject to renewal, and the owner must file an original permit application.

(c) Each permittee shall immediately notify the neighborhood protection official of any change of the permittee's residence or business address or telephone number. The neighborhood protection official shall cause the information to be placed into the permit file without charge. (Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 27, 7-6-94; Ord. No. 98-613, § 35, 8-5-98)

Sec. 10-414. Fees; non-refundable.

(a) The fee for a permit, whether original or renewal, shall be \$125.00 provided that the fee shall be reduced to \$100.00 for the second and each subsequent building where applications are simultaneously filed for two or more buildings under common ownership that are situated on the same tract or parcel of land. The fee shall be paid to the neighborhood protection official at the time of the filing of the application. The fee for a certificate of compliance for a secured building shall be \$55.00 and shall be paid to the building official.

(b) A replacement fee of \$15.00 shall be charged for replacement or reissuance of each permit, sticker, tag or token that is lost, mutilated or otherwise rendered unusable.

(c) No refund of any permit fee paid hereunder shall be made by the city for any cause whatsoever.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 98-613, § 35, 8-5-98)

Sec. 10-415. Issuance.

(a) Upon proper application, a permit to secure shall be provided the applicant in unvalidated form. A permit to secure is not considered "issued" unless signed and validated by the neighborhood protection official, even if an unvalidated permit is given the applicant upon application. As soon thereafter as is practicable, the neighborhood protection official shall inspect the vacant building to determine whether it is secure. If so, the permit shall be validated and issued. If not, the neighborhood protection official shall advise the owner of the deficiencies and shall reinspect the building upon receipt of a written request for reinspection and payment of a reinspection fee of \$25.00.

(b) A permit shall be effective for a period of one year from the date of its validation and issuance. In any instance in which the neighborhood protection official determines that the condition of the vacant building has deteriorated to the extent that it cannot be made secure, then the neighborhood protection official may take immediate action to bring the vacant building to a

hearing or rehearing before the hearing official designated under division 4 of this article or before the commission under division 5 of this article.

(c) If the neighborhood protection official refuses to issue the permit on the grounds that the materials or means used are insufficient or inadequate to maintain the vacant building so that it is secure, then the neighborhood protection official shall so notify the owner in writing of the reasons for the denial. The owner of a vacant building may appeal a decision of the neighborhood protection official denying a permit on those grounds within ten days after notice of the decision is mailed to the owner by filing a written notice of appeal in the office of the director. Within ten days of receipt of the owner's written request for a hearing, the director shall convene a hearing to consider the decision and the owner's response thereto. The director shall give written notice to the owner by first class mail at least three days prior to the hearing. Notice shall be considered given on the day it is placed in the mail. The notice shall state the time and place of the hearing and generally the subject of the hearing. The hearing shall be conducted by the director. The director shall promulgate rules for the conduct of hearings that are consistent with this division and the principles of due process. The decision of the director shall be final.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 28, 7-6-94; Ord. No. 98-613, § 35, 8-5-98)

Sec. 10-416. Contents of permits.

A permit issued hereunder shall set forth the location of the permitted vacant building by legal description or commonly known street address, the name of the person to whom the permit is issued and any other information the director may deem necessary.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-417. Non-transferable.

Permits issued as herein provided shall be deemed personal to the permittee and the permit-

ted vacant building and shall not be assigned or transferred to any other person or vacant building.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-418. Permit does not bar prosecution under or enforcement of ordinances.

No permit granted as herein provided shall ever be held to bar prosecution for violation of any ordinance of the city, or to prevent the enforcement of any ordinance or inhibit the exercise of any powers and duties of any officer under the terms of any ordinance. Without limiting the foregoing, no provision of this division shall be construed to prohibit the demolition of any building pursuant to any order of the hearing official, the commission or a district court.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-419. Identification of buildings.

In addition to any legal requirements regarding the posting of numbers on structures, every vacant building for which a permit is required hereunder shall have affixed on the front door thereof or on some other location adjacent thereto so as to be conspicuous and identifiable from an adjacent public street an individually numbered sticker, tag or token provided by the city. Failure by the permittee to maintain the sticker, tag or token on the vacant building so as to be conspicuous and identifiable from an adjacent public street shall be grounds for permit revocation.

(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-420. Annual inspections of permittee's buildings.

In addition to the initial inspection provided for in section 10-415, the neighborhood protection official shall, at a frequency of at least once every year, cause an inspection to be made of any permitted vacant building to determine whether or not the vacant building remains secure. The neighborhood protection official shall further cause an investigation and inspection to be made forthwith upon being advised by any person that any vacant building is not secure. If the written report of any inspection establishes that a permitted

vacant building is not secure, then the neighborhood protection official shall commence a revocation proceeding under section 10-421 of this Code or refer the matter to the commission or hearing official, as applicable.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 29, 7-6-94; Ord. No. 98-613, § 36, 8-5-98)

Sec. 10-421. Revocation of permit.

(a) If the neighborhood protection official determines that any permitted vacant building is not secure or that any other grounds for revocation of a permit exist, the neighborhood protection official shall notify the permittee in writing of the determination, pointing out the grounds and requiring that the deficiencies be remedied within the time designated. The notice may be given in writing or by telephone to the permittee at the address or telephone number provided in the application or any amendment thereto. In establishing the amount of time to be given the permittee to remedy the deficient conditions, the neighborhood protection official shall consider the type and extent of the deficiencies and the degree of risk posed to the public by the conditions.

(b) A permittee may appeal the determination of the neighborhood protection official by filing a written notice of appeal in the office of the director. Within ten days of receipt of the permittee's written request for a hearing, the director shall convene a hearing to consider the determination and the permittee's response thereto. The director shall give written notice to the owner by first class mail at least three days prior to the hearing. Notice shall be considered given on the day it is placed in the mail. The notice shall state the time and place of the hearing and generally the subject of the hearing. The director shall conduct the hearing. The director shall promulgate rules for the conduct of hearings that are consistent with this division and the principles of due process. The decision of the director shall be final.

(c) The director, within ten days after the hearing, shall render a decision on the hearing, which decision may be to affirm, modify or reverse the determination of the neighborhood protection official. If the permittee does not fully prevail, the director shall grant the permittee a brief period of

time (consistent with the nature of the work to be done) not to exceed five days to make any required corrections, provided that the director finds that (i) the appeal was not filed frivolously or for purposes of delay, (ii) the permittee is otherwise in compliance with this division, and (iii) the vacant building is in such condition that it is capable of being secured. The neighborhood protection official shall notify the permittee in writing of the decision of the director. If no additional time is granted as provided above for the performance of any work, or if the time granted expires without the work having been fully performed, then the neighborhood protection official shall take immediate action to bring the vacant building to a hearing or rehearing before the hearing official designated under division 4 of this article or before the commission under division 5 of this article, as applicable, with the department's recommendation that the building be either repaired or demolished.

(d) If the permittee does not request a hearing before the director during the time designated by the neighborhood protection official for remedying the deficient conditions, and the matters complained of are not remedied by the permittee within the time designated by the neighborhood protection official, the permit shall be automatically revoked, and the building shall be scheduled for a hearing or rehearing before the hearing official designated under division 4 of this article or before the commission under division 5 of this article.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 29, 7-6-94; Ord. No. 98-613, § 36, 8-5-98)

Secs. 10-422—10-430. Reserved.

DIVISION 7. EMERGENCIES

Sec. 10-431. Immediate dangers.

In cases where the neighborhood protection official reasonably believes that a building or structure constitutes an immediate danger to the health, life or safety of any person, the neighborhood protection official shall report the building and the conditions creating the immediate danger to the director. If the director finds that an imme-

diately danger to the health, life or safety of any person exists and that the conditions of the building are the cause of the immediate danger, the director, without the necessity of any notice to the owner of the building or any other person having an interest in the building or structure, shall order immediate appropriate action taken with respect to the building or structure. For purposes of this division, the term "appropriate action" means vacating, repairing, or demolishing the building or structure, or other action reasonably calculated to eliminate the conditions that create the immediate danger.

(Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 30, 7-6-94; Ord. No. 98-613, § 37, 8-5-98)

Sec. 10-432. Notice; hearing.

(a) Whenever the director takes action under this division, the hearing official shall convene a hearing to consider the emergency action taken and, if the building or structure was not demolished, to order further action regarding the building or structure in accordance with the provisions of division 4 of this article. The hearing shall be held no later than 30 days after the director has taken action under this division, unless all persons of record having either an ownership interest or a possessory interest in the building or structure consent to a longer period.

(b) At the hearing, the city shall show that the building or structure was an immediate danger to health, life or safety necessitating the immediate action at the time the action was taken. After completion of the presentation of the testimony by all parties appearing, the hearing official shall make written findings of fact as to whether or not the building, structure or condition was an immediate danger to health, life or safety necessitating the action taken by the director, and whether the building or structure constituted a dangerous building within the provisions of this article.

(c) If the hearing official finds that there was an immediate danger to public health, life or safety that required the action that was taken, all administrative expenses and any cost of the action taken shall be calculated and assessed against the owners of the building, and shall constitute a lien on the land on which the building stands or

stood, which lien shall be filed and bear interest as provided in section 10-373 of this Code. If the building or structure was not demolished, and the hearing official finds that the building, at the time of the hearing, continues to constitute a danger within the provisions of this article, the hearing official shall issue an order for its abatement as set out in division 4 of this article.

(d) The neighborhood protection official shall give notice to the record owners and lienholders of the building or structure, all persons having possession of any portion thereof, and all other persons who may have an interest in the building or structure, that a hearing will be held pursuant to the terms of this division concerning the actions taken by the director, and whether the building or structure constitutes or constituted a dangerous building. The notice shall set forth the specific conditions which created the dangerous condition or rendered the building or structure a dangerous building within the standards set forth in section 10-361 of this Code, the date, time and place of such hearing, that all persons having an interest in the building or structure may appear in person and/or be represented by an attorney and may present testimony and cross-examine all witnesses. The notice shall comply with the provisions set out in section 10-364 of this Code. (Ord. No. 93-1570, § 1, 12-8-93; Ord. No. 94-674, § 31, 7-6-94; Ord. No. 98-613, § 37, 8-5-98)

Secs. 10-433—10-440. Reserved.

ARTICLE X. CLEANUP AFTER DEMOLITION OR REMOVAL OF STRUCTURES

Sec. 10-441. Required.

(a) Within 30 days after any building or structure is demolished or removed from any lot or tract of land:

- (1) All debris must be removed from the property.
- (2) All holes or depressions in the ground must be filled to grade level.
- (3) All lumber, pipes and all other buildings materials must be removed from the prop-

erty or stored in such a manner that they are not a hazard to safety and do not create a condition where rats are likely to live or mosquitoes likely to breed.

- (4) All pipes and conduits must be removed from above grade and must be removed or sealed below grade.
- (5) All piers, pilings, steps and other appurtenances must be removed above grade.

(b) Each owner and each person having control over the property on which the building or structure stood prior to removal or demolition is individually responsible for completing such work or causing such work to be completed.

(Code 1968, § 18-83; Ord. No. 76-1919, § 1, 11-9-76; Ord. No. 93-1570, § 2(b), 12-8-93)

Sec. 10-442. Report, inspection where work believed not completed.

It shall be the duty of all city employees to make a report in writing to the neighborhood protection official whenever such employee has reason to believe a building or structure has been demolished or removed from a lot of land and the work required by this article has not been completed. Upon receipt of such written report, the neighborhood protection official shall inspect the lot or tract.

(Code 1968, § 18-84; Ord. No. 76-1919, § 1, 11-9-76; Ord. No. 89-1079, § 16, 7-12-89; Ord. No. 91-1102, § 5, 7-31-91; Ord. No. 93-514, § 26, 5-5-93; Ord. No. 93-1570, § 2(b), 12-8-93; Ord. No. 94-674, § 32, 7-6-94; Ord. No. 98-613, § 38, 8-5-98)

Sec. 10-443. Notice to complete work.

Whenever it shall come to the knowledge of the neighborhood protection official or a hearing officer designated pursuant to article IX of this chapter that a building or structure has been demolished or removed and that the work required by this article has not been completed, the neighborhood protection official or hearing officer shall cause written notice to be given by personal service or by certified mail, return receipt requested, to the owner of the property or to any person having control over the property setting out the work required by this article which has